



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

West Central Regional Office

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L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Steven A. Dietrich  
Regional Director

## **STATE AIR POLLUTION CONTROL BOARD ACTION A SPECIAL ORDER BY CONSENT ISSUED TO MEADWESTVACO PACKAGING RESOURCE GROUP Registration No. 20328**

### **SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and Meadwestvaco Packaging Resource Group for the purpose of reducing sulfur emissions on an interim basis.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Meadwestvaco" means "Meadwestvaco of Virginia, Inc" the corporation certified to do business in Virginia.
7. "Facility" means the "Meadwestvaco Packaging Resource Group mill", located at 104 East Riverside Street in Covington, Virginia.

8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the "Title V Federal Operating Air Permit" which became effective May 31, 2004 and modified December 13, 2005.
10. "TRS" means total reduced sulfur.
11. "PPM" means parts per million.
12. "SO<sub>2</sub>" means sulfur dioxide.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Meadwestvaco owns and operates a kraft pulp and paperboard mill in Covington, Virginia. The facility operates under a Title V Federal Air Operating permit issued May 31, 2004 and modified December 13, 2005.
2. The facility contains 2 Recovery Furnaces. The #1 Recovery Furnace is limited to a 24 hour average emission rate of 5ppm of TRS (corrected to 8% oxygen), except for 30 days per year. The 30 day per year exemption was intended to provide operational flexibility during times when the #2 Recovery Furnace was shut down for maintenance, or as the result of a malfunction to the #2 Recovery Furnace.
3. On May 14, 2007, Meadwestvaco met with DEQ to discuss problems associated with tube leaks in the #2 Recovery Furnace. The #2 Recovery Furnace has been forced to shut down 3 times since April 14, 2007 due to leaks in the tube sheet, and will remain down until complete repairs can be made. The repairs to the #2 Recovery Furnace is expected to be completed within 30 days.
4. Meadwestvaco has curtailed production at the facility while the #2 Recovery Furnace has been shut down, however due to the extended outage, the #1 Recovery Furnace will exceed the permitted 30 day exemption for TRS emissions above 5ppm.
5. During this interim period, while the #2 Recovery Furnace is down for repairs, DEQ and Meadwestvaco have agreed to further reduce sulfur emissions from the facility by additional flue gas desulfurization scrubbing at the power boiler stack, to compensate for excess TRS emissions from the #1 Recovery Furnace.

#### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307.D, 10.1-1184 and §10.1-1316.C, orders Meadwestvaco, and Meadwestvaco agrees, to the conditions presented below.

1. For each day TRS emissions from the #1 Recovery Furnace exceed 5 ppm or exceed the 30 day exemption limit, Meadwestvaco shall reduce SO2 emissions from the power boiler stack to an emissions rate of 1649 pounds per hour.
2. Emissions from the power boiler stack shall not exceed the SO2 emission rate referenced in D1 of this section until Meadwestvaco has demonstrated, to DEQ's satisfaction, that the #2 Recovery Furnace is operational and TRS emissions from the #1 Recovery Furnace return to 5ppm.
3. Meadwestvaco shall maintain records of TRS and SO2 emissions, sufficient to verify compliance with the reduction agreement. These records shall be submitted on a weekly basis to DEQ.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Meadwestvaco, for good cause shown by Meadwestvaco, or pursuant to the Administrative Procedure Act after notice and opportunity to be heard.
2. This Order only addresses those conditions specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Meadwestvaco admits the jurisdictional allegations, and will not contest DEQ's jurisdiction. Meadwestvaco neither admits nor denies the factual findings, and conclusions of law contained herein.
4. Meadwestvaco consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Meadwestvaco declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 et seq., and the Air Pollution Control Law with respect to any issue of fact or laws alleged herein and it waives the right to any hearing or

other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law with respect thereto. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

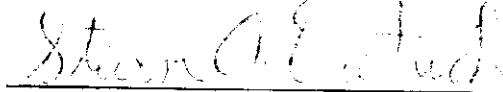
6. Failure by Meadwestvaco to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate, legally authorized enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Meadwestvaco shall be responsible for failure to comply with any of the terms and conditions of this Order unless its failure to comply was caused by earthquake, flood, other acts of God, war, strike, or such other occurrence. Meadwestvaco shall show that such circumstances were beyond its reasonable control and not due to a lack of good faith or diligence on its part. Meadwestvaco shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in its failure to comply, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Meadwestvaco.

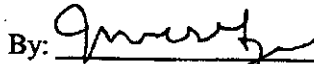
11. This Order shall self terminate 60 days after the effective date of the Order. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Meadwestvaco from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Meadwestvaco voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of MAY 17, 2007.



Steven A. Dietrich, Regional Director,  
West Central Regional Office  
Department of Environmental Quality

Meadwestvaco voluntarily agrees to the issuance of this Order.

By: 

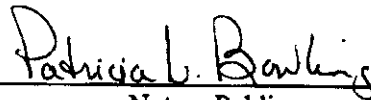
Mark George  
Vice President, PRG

Date: 05/17/07

Commonwealth of Virginia

County of Alleghany

The foregoing document was signed and acknowledged before me this 17<sup>th</sup> day of MAY, 2007, by Mark George, who is Vice President, PRG, on behalf of the Corporation.



Notary Public

My commission expires: 12-31-07